

GREENBERG TRAURIG, LLP

Ian C. Ballon (SBN 141819)

Ballon@gtlaw.com

1900 University Avenue, 5th Floor

East Palo Alto, California 94303

Telephone: 650-328-8500

Rebekah S. Guyon (SBN 291037)

GuyonR@gtlaw.com

1840 Century Park East, Suite 1900

Los Angeles, California 90067

Telephone: 310-586-7700

Kristin O'Carroll (SBN 312902)

ocarrollk@gtlaw.com

101 Second Street, Suite 2200

San Francisco, California 94105-3668

Telephone: 415-655-1300

Attorneys for Defendant 23andMe, Inc.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MELANIE BERMAN, JULIA HAWKINS,
LISA JONES, LYON LEIFER, AND
KATHLEEN CANFIELD LOFTUS,

Plaintiffs,

v.

23ANDME, INC.,

Defendant.

CASE NO. 3:23-cv-05345-EMC

Hon. Edward M. Chen

**STIPULATION AND [PROPOSED] ORDER
TO STAY PROCEEDINGS PENDING MDL
TRANSFER**

23andMe, Inc. (“Defendant”) and Plaintiffs Melanie Berman, Julia Hawkins, Lisa Jones, Lyon Leifer, and Kathleen Canfield Loftus (“Plaintiffs”) (collectively the “Parties”), respectfully submit this Stipulation and request that this Court stay this case, including all pretrial deadlines imposed by the Local Rules and the Federal Rules of Civil Procedure, until the Judicial Panel on Multidistrict Litigation (“JPML”) rules on Defendant’s Motion for Transfer and Coordination pursuant to 18 U.S.C. § 1407.

The Parties, by and through their respective counsel, hereby stipulate and agree as follows:

WHEREAS, Plaintiffs filed the Complaint on October 19, 2023;

WHEREAS, Plaintiffs served the Summons and Complaint on Defendant on October 24, 2023;

WHEREAS, Defendant’s initial deadline to respond under the Federal Rules of Civil Procedure was November 14, 2023;

WHEREAS, on November 8, 2023, the Parties stipulated and agreed that Defendant may have an extension of time, until and including January 15, 2024, to respond to Plaintiffs’ Complaint pursuant to Northern District of California Local Rule 6-1(a);

WHEREAS, on December 21, 2023, Defendant filed a Motion to Transfer Actions to the Northern District of California Pursuant to 18 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings with the JPML, styled *In re: 23andMe, Inc. Litigation*, MDL No. 3098 (the “MDL Motion”);

WHEREAS, this action, in addition to 30 other actions, is subject to the MDL Motion;

WHEREAS, counsel for Defendant conferred with counsel for Plaintiffs regarding Defendant’s contemplated MDL Motion and motion to stay proceedings until the JPML rules on the MDL Motion;

WHEREAS, Plaintiffs and Defendant, by and through their respective counsel, have agreed that, in the interests of judicial economy and the preservation of the Court’s parties’ resources, this action should be stayed until the MDL motion has been decided;

WHEREAS, the Parties jointly request that this Court enter a stay of all proceedings in this case, including all discovery and pretrial deadlines, until the JPML rules on Defendant’s MDL Motion;

WHEREAS, counsel for Plaintiffs has agreed that Plaintiffs will not move for Defendant’s default should the Court not enter an order on this Stipulation prior to the January 15, 2024 deadline for Defendant to respond to the Complaint;

WHEREAS, this Court has broad discretion to stay proceedings pending a decision by the JPML regarding whether to transfer a case, and a stay is particularly appropriate where, as here, it would promote judicial economy and efficiency and not prejudice either party. *E.g., Rivers v. The Walt Disney Co.*, 980 F. Supp. 1358, 1360-62 (C.D. Cal. 1997) (granting stay because “a great deal of this Court’s time and energy [] could be saved by staying the instant case pending the MDL Panel decision.”); *A.H.M. v. Uber Techs., Inc.*, No. 23-CV-03482-JSC, 2023 WL 6199179, at *2 (N.D. Cal. Sept. 22, 2023) (recognizing “most courts find a stay is appropriate while awaiting a JPML decision to consolidate”); *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (“Courts frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.”).

WHEREFORE, the Parties respectfully request that the Court enter a stay of all proceedings in this case and all pretrial deadlines, including Defendant’s deadline to file a response to the Complaint, until the JPML rules on Defendant’s MDL Motion.

The parties have submitted a proposed form of Order with this Stipulation.

IT IS SO STIPULATED.

DATED: January 3, 2024

GREENBERG TRAURIG, LLP

By: /s/ Rebekah S. Guyon
Rebekah S. Guyon
Attorneys for Defendant, 23andMe, Inc.

DATED: January 3, 2024

LOFTUS & EISENBERG, LTD.

By: /s/ Ross M. Good
Ross M. Good
Attorneys for Plaintiffs, Melanie Berman, Julia Hawkins,
Lisa Jones, Lyon Leifer, and Kathleen Canfield Loftus

ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3):

I, Rebekah S. Guyon, counsel for Defendant, attest that all Signatories have concurred in the filing of the document.

DATED: January 3, 2024

GREENBERG TRAURIG, LLP

By: /s/ Rebekah S. Guyon

Rebekah S. Guyon

Attorneys for Defendant, 23andMe, Inc.